



PATENT

Attorney Docket No. 23853A

#13
m.m.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Alan DRIZEN et al.

Examiner: M. Haghighatian

Serial No.: 09/986,183

Group Art Unit: 1616

Filed: November 7, 2001

For: **TOPICAL DRUG PREPARATIONS**TERMINAL DISCLAIMERCommissioner for Patents
Washington, D.C. 2023102/05/2003 SFELEKE1 00000019 09986183
01 FC:2814

55.00 OP

Sir:

The owners, L.A.M. Pharmaceutical Corporation, of 100% interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,120,804. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the above

application, and patents issuing therefrom, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. _____ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

2. XXX The undersigned is an attorney of record.

Feb. 4, 2003
Date

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X Terminal Disclaimer fee under 37 CFR 1.20(d) included.

X PTO suggested wording form terminal disclaimer was

X unchanged ___ changed (if changed, an explanation should be supplied)

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